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C O N F I D E N T I A L SANTO DOMINGO 002369

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TAGS: [SENV](#) [ECON](#) [EFTA](#) [ETRD](#) [PREL](#) [DR](#)
SUBJECT: DEPUTY FOREIGN MINISTER DISCUSSES ARCHIPELAGIC
STATE DECLARATION AND OTHER TOPICS

Classified By: Roland W. Bullen, Reasons 1.4 b and d.

11. (C) Summary: On October 18, the CDA and UK Ambassador delivered a joint demarche to the Ministry of Foreign Affairs (MFA) to protest the Dominican Republic's unilateral declaration as an archipelagic State claiming expansive new territorial sea rights. The U.S. and UK contested the definition of the Dominican Republic as an archipelagic state as well as its legislative claims related to navigational rights, the expansion of its exclusive economic zone (EEZ), and assertions concerning internal waters and byways. The MFA responded that they were expecting a protest and would suggest to the president that an independent expert on international maritime law be consulted to review the legislation. However, the MFA stopped short of agreeing to rescind the legislation and instead claimed its was the crazy brainchild of one particular member of congress. In addition to the demarche, a range of other issues were discussed, including Economic Partnership Agreement (EPA) negotiations between the EU and CARICOM countries, the formation of Haitian-Dominican bilateral commissions, the MFA's view of the recent UN Security Council seat vote, and the recent visit of the DR Foreign Minister to Iran. End Summary.

Archipelagic State Declaration Demarche Delivered

12. (U) The Deputy Foreign Minister and Chief of Staff of the Ministry of Foreign Affairs, Jose Manuel Trullols, met with Charge d'Affairs Bullen and British Ambassador Ian Worthington on October 18 to receive a joint demarche protesting the passage of legislation (Law No. 66-07, signed May 22, 2007) declaring the Dominican Republic an archipelagic State. This legislation asserts expansive new territorial sea rights that impinge on U.S. and UK territorial rights as concern Puerto Rico and the Turks and Caicos Islands, respectively. The demarche, which was drafted collaboratively by OES and the UK Hydrographic Office, contested the definition of the Dominican Republic as an archipelagic State based on the definition in Part IV of the UN Convention on the Law of the Sea and expressed concern about Law No. 66-07's claim of an expanded exclusive economic zone, limitations on the right of innocent passage and claims concerning internal waters and byways. The U.S. and UK governments reserved their rights and those of their territories and citizens and requested additional information to support the DR's claims.

13. (C) Trullols, who was in a particularly jovial mood, committed to producing a formal response shortly and said he would call the foreign minister immediately to make him aware

of our concerns, promising to raise the issue with President Fernandez. Trullols committed to recommending that the President seek the legal advice of an outside maritime law expert to review the legislation, but he did not commit to rescinding the legislation, saying, "It's now the law." However, Trullols admitted, "I knew this would happen," referring to the U.S. and UK protest, and said, "We're as worried as you are about this thing," implying the MFA was anticipating international protest of the legislation's claims. Trullols continued that he and Foreign Minister Carlos Troncoso had spoken with President Fernandez to protest the passage of this legislation prior to its signing, reiterating their suggestion for independent advice. Trullols said this was the initiative of "that nut", Pellegrin Castillo, who is the chairman of the Energy and Mines Committee of the Chamber of Deputies, and said the legal interpretation had been conducted by his ally, Carlos Michellen. According to a DAO source, maritime experts in the private sector, who were consulted about the legislation prior to its passage, also raised concerns about its legality but were branded as unpatriotic and ignored by Castillo and his allies in congress. This source is consistent with Trullols own description of the MFA's prior intervention.

Additional Agenda Items:

A) CARICOM EPA Negotiations with the EU

14. (SBU) At the close of discussions about the archipelagic State declaration, Worthington raised the carrot that if the issue were to be resolved it would remove the last remaining barrier to signing an Investment Protection Agreement (IPA) between the UK and the Dominican Republic, which was apparently rejected by the Dominican Congress as a result of the reference to UK territories in the IPA that would have

contradicted the archipelagic State claims. This carrot offer led to a broader discussion about the progress of negotiations between the CARICOM countries and the EU over an EPA to replace unilateral tariff and quota preference regimes in place through December this year. Trullols opined that there is very little likelihood of reaching agreement before the preferences expire as many countries remain stuck on maintaining import duties as a means of fiscal support, noting the lack of tax structure reform in most CARICOM countries to eliminate reliance on import duties for annual revenue requirements. Trullols also stated that the DR is likely to sign a side protocol with the EU to avoid contradictions and/or violations of its commitments under CAFTA-DR.

B) Dominican Republic - Haiti Bilateral Commissions

15. (SBU) The EPA negotiations discussion opened the door to a broader discussion about regional issues when Trullols offered up an assessment of bilateral relations with Haiti, which he praised as excellent as a result of the great relationship between presidents Fernandez and Preval. Trullols said that the bilateral commissions between the Dominican Republic and Haiti are getting going with the commissions on environment, education, security and health all ready for action. Trullols predicted that President Preval would issue a presidential decree naming the Haitian members of the committees in January of next year as a result of his current complete focus on the constitutional reform process underway. Trullols noted that the immigration commission would not be initiated, but rather it would be negotiated directly at the presidential or ministerial level at a later date due to the sensitivity of the issue.

16. (C) The discussion about Haiti led to a broader discussion about the work of NGOs on the DR-Haitian border, but in an unsolicited tangent Trullols alleged that the DR government has "solid information" that an "international campaign" comprised of controversial priests and international NGOs is being waged against the Dominican Republic financed by outside "commercial interests" to smear the country's image

with false allegations of mistreatment of Haitian immigrants and Dominicans of Haitian descent. Trullols continued that if there really were such mistreatment these Haitians would return to their country, but argued that they will not because conditions are better in the Dominican Republic than in Haiti. Worthington pushed back suggesting that not all NGOs were working against the Dominican government, and that a number of civil society groups were trying to work progressively with the country to help alleviate the concerns. Worthington suggested to Trullols that a more proactive and responsive approach might prove more effective than a reactionary one.

C) UNSC Vote

¶17. (C) Trullols said that he was extremely disappointed that the DR had received only 4 of the 14 CARICOM votes for the UN Security Council seat earlier this week and described it as a serious blow to the DR. He didn't rule out that they would pursue the General Assembly presidency, but said the DR wouldn't initiate anything and would only pursue it if a number of countries independently urged them to step forward.

Trullols also complained of what he called Costa Rica's "underhanded" approach to the election, alleging Costa Rica had received tens of millions of dollars in economic assistance from China in exchange for its recognition. Trullols said the Chinese and the French governments had gone to member states and done some "serious arm-twisting" to ensure a vote against the DR, noting the presence of as many as five deputy foreign ministers from China directly engaged in pressuring countries on their votes. Trullols concluded the subject by stating that the DR wasn't feeling in the giving mood on the EPA trade negotiations with CARICOM following the UNSC seat vote.

D) Chavez Could Visit Dominican Republic in November

¶18. (C) An advisor to the port authority and aviation industry, and a former public affairs FSN, told CDA and EconOff at an event on October 17 that Venezuelan president, Hugo Chavez, is planning to visit the Dominican Republic next month for a meeting of leftist governments in Santo Domingo. CDA asked Trullols to confirm this information, but Trullols replied that he hadn't heard anything about a Chavez visit. He did confirm that Brazilian President Lula da Silva will

attend. However, he did not rule out the possibility that Chavez would decide to visit at the last minute and said the Dominican Republic must treat Chavez well and do a "soft dance" with him because of the DR's participation in the PetroCaribe agreement.

E) MFA Visit to Tehran

¶19. (C) Trullols took advantage of the relaxed atmosphere of the discussion to bring up the recent visit by Foreign Minister Troncoso to Tehran and lamented the extensive repression on display during his trip. Trullols specifically mentioned his drive past the U.S. Embassy in Tehran, which he said is now being used jointly by the Revolutionary Guard and the office responsible for enforcing dress codes and women's social codes. No additional information was discussed.

¶10. (C) Comment: Trullols' attitude was that this legislation was merely another piece of paper and should be nothing to worry about. We are somewhat concerned that Trullols downplayed the importance of the legislation, but encouraged that the MFA will be taking action to address our concerns. It is conceivable to imagine the U.S. Coast Guard boarding a Dominican flag fishing boat in what is now considered part of the expanded Dominican EEZ, which is also considered territorial waters of the U.S., resulting in an international incident to force a showdown over this legislation. Trullols was candid in his assessment of the legislative process, noting that Castillo -- whose FNP party is part of President Fernandez's governing coalition -- must have exerted some form of unknown pressure on President Fernandez and strong-armed his fellow legislative members to

get them to approve this legislation in the face of advice to the contrary. Given Castillo's position on the Energy and Mines Committee, and previous public statements about the need to explore independent sources of energy, specifically untapped but unspecified oil resources, it appears this legislation is aimed at securing economic rights to off-shore energy reserves that may currently fall outside the Dominican Republic's territorial waters. However, no concrete information is available related to the specific claims that lie behind this legislation's passage.

¶11. Regarding Trullols comments on the Haitian minority here, we concur with Ambassador Worthington's reply: The Dominicans would be better served by spending less time demonizing their critics and more time engaging with NGOs to address the problem. End Comment

BULLEN